

REMARKS

Claim Objection

The Examiner has objected to Claim 32 for the following informality: the limitation "aservice" should be "a service." The Applicants have corrected the informality.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected Claims 38-43 and 50 under 35 U.S.C. 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. The Examiner specifically questions the recitation in the claims with respect to "higher-level proximity events." The Applicants have amended the claims to remove the term "higher-level" and to recite that service content "is predicated upon an occurrence of proximity-based events within the set of physical spaces." This amendment is consistent with the specification on p. 20, line 24 to page 26, line 18 in which the Applicants disclose that service content is predicated upon the occurrence of the enumerated proximity events. No new matter has been added.

The Examiner stated that Claims 38-43 and 50 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. The Applicants respectfully submit that the above-referenced amendments overcome the rejection. Accordingly, Claims 38-47 and 50 are in condition for allowance.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected Claims 21-25, 28-33, 44-45, and 48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,091,956 ("Hollenberg"). However, on page 4 of the Office Action, the Examiner has indicated that Claims 26-27, 34-37, 46-47 and 49 would be

allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Thus, the Applicants have amended the claims accordingly¹.

Currently amended Claim 21 now recites all the limitations of withdrawn Claim 26, which the Examiner has indicated is allowable. Claim 27 has been amended to depend from the currently amended Claim 21, and as such is now in condition for allowance. Previously presented Claims 22-25, and 28-29 are similarly allowable since they depend from the now allowable amended Claim 21.

Also in accordance with the Examiner's indication of allowable subject matter, currently amended Claim 30 now contains the limitations of withdrawn Claim 34 in independent form. As such, Claim 33 is now allowable. Currently amended Claims 31-33 and 35-37 all depend (either directly or indirectly) on now allowable Claim 30. Therefore, the Applicants respectfully submit that Claims 31-33 and 35-37 are allowable. The Applicants submit that they have made other amendments to Claims 31-33 and 35-37 only to clarify dependency and/or clarify the steps of the claimed method.

With respect to currently amended Claim 44, the Applicant has amended Claim 44 to recite all the limitations of withdrawn Claim 46 in independent form. The Examiner has stated that Claim 46 would be allowable if written in independent form. Thus, the Applicants respectfully submit that currently amended Claim 44 is in condition for allowance.

¹ While the Applicants respectfully disagree with the Examiner's position, the Applicants have amended the claims according to the Examiner's indication of p.4 of the Office Action. The Applicants have chosen to pursue the nonamended claims in a continuation application in due course since it is the Applicants' respectful contention that claims 21-30 are allowable without amendment.

Claims 45, and 47-49 all depend from the presently allowable Claim 44, and as such, are in condition for allowance.

The Applicants also removed the term "pre-determined" from Claims 21, 30, 38, and 44 in order to clarify the subject matter which the Applicants regard as their invention.


Applicants respectfully submit that the patent application and the claims, as amended, therein are in a condition for allowance. Accordingly, reconsideration of all rejections is respectfully requested. Allowance of all claims at an early date is solicited.

Applicants would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2026 for any fees associated with this Amendment and Response.

Respectfully submitted,

By: _____


John A. Monocello III
U.S. PTO Reg. No. 51,022
Cohen & Grigsby, P.C.
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222
(412) 297-4900